

## **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**

**MARCH 25, 2002**

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, March 25, 2002, at 7:01 p.m., in the Hanahan Municipal Complex, 1255 Yeamans Hall Road Hanahan, South Carolina.

**PRESENT:** Mr. James H. Rozier, Jr., Supervisor-Chairman, Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Regular Meeting of Berkeley County Council at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the News media, and other interested citizens.

Chairman Rozier called the meeting to order; Councilmember Pinckney led in the Invocation at an earlier meeting; and Councilmember Spooner led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's pleasure on the Approval of Minutes for Special Council Meeting held on February 11, 2002; Public Hearings, Bills Numbered 01-70 and 01-71; and Regular Council Meeting held on February 25, 2002.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to approve the minutes as stated.

Councilmember Crosby referenced an error in the Regular Minutes of February 25, 2002, Page 8, which indicated that Councilmember Vaughn moved and seconded a motion.

The motion to approve the minutes as corrected passed by unanimous voice vote of Council.

Chairman Rozier stated no one had signed up for Public Discussion; and an Executive Session was not needed.

Chairman Rozier referenced the Proclamation for consideration, "Year Of The Rose." He asked Colonel Frances Ballentine to come forward.

Colonel Ballentine stated she was retired from the Air Force and resides in the Cooper Store area of Berkeley County. She stated she was emeritus with the Charleston Low Country Rose Society but is the Year of the Rose committee person; and also, the Chairman of the consulting Rosarians for the two Carolinas. They are in the business of instructing people about Roses and Rose culture.

Chairman Rozier stated on Wednesday, March 20, 2002, the East Low Country District Garden Club were at Cypress Gardens to celebrate the Year of the Rose, and he read the Proclamation as follows:

**Designating 2002 as the "Year of the Rose"**

**“Whereas** in 1986 the Rose was designated and adopted as the national floral emblem of the United States:

**“Whereas** the Rose is one of the oldest plants in existence on Planet Earth, has been cultivated in gardens for over 5,000 years, and is grown in all fifty States; and

**“Whereas** the Rose has long been a source of inspiration to humankind, representing love, friendship, beauty and peace;

**“Whereas** the American Rose Society desires to join with all who love, honor and grow the Rose, the World's Favorite Flower, on the occasion of the Society's 110th Anniversary;

**“Whereas** President George W. Bush has signed a Joint Resolution of Congress proclaiming the Year 2002 be designated as the ‘Year of the Rose’;

**“Therefore**, during the ‘Year of the Rose’, let our citizens and our community be involved in activities and events in celebration of the Rose and the many contributions of Roses to the quality of life for our citizens; so

**“Therefore** I, as Supervisor of the County of Berkeley, South Carolina, USA, do proclaim the Year 2002 as the ‘YEAR OF THE ROSE’ in the County of Berkeley, South Carolina, USA, and call upon our citizens to observe the year with appropriate ceremonies and activities.”

**IN WITNESS WHEREOF**, I have hereunto set my hand this 25th day of March 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt the **Proclamation** as read. The motion passed by unanimous voice vote of Council.

Chairman Rozier continued with the three Ordinances for Third Reading as follows:

**THIRD READINGS:**

**“BILL NO. 02-02, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #196-13-00-039”** (Ralph and Linda Haynes)

It was moved by Councilmember Spooner and seconded by Councilmember Vaughn to approve Bill No. 02-02 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-03-09 is attached to these Minutes.)

**“BILL NO. 02-03, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #s 242-02-00-033 and 242-00-00-034.”** (Thelma H. Phillips)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve Bill No. 02-03 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-03-10 is attached to these Minutes.)

**“BILL NO. 02-04, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #244-11-02-001, 002, AND 032.** (Kenneth McCoy)

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve Bill No. 02-04 for Third and Final Reading. The motion passed by voice vote of Council. (A copy of Ordinance No. 02-03-11 is attached to these Minutes.)

Chairman Rozier referenced the statement on the agenda, which said that “Berkeley County Council Rules allows all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

**SECOND READINGS:**

**“BILL NO. 02-05, AN ORDINANCE TO AMEND ORDINANCE NO. 01-6-19, ADOPTED JUNE 25, 2001, TO PROVIDE FOR THE SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2001-2002 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS PERTAINING THERETO.”**

**“BILL NO. 02-06, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA TO AMEND AND CLARIFY CERTAIN SECTIONS OF THE FILOT**

DOCUMENTS (AS SUCH TERM IS DEFINED HEREIN) WITH CORNING INCORPORATED.)”

“**BILL NO. 02-07**, AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE CITY OF HANAHAN TO THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE CITY OF HANAHAN; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.”

“**BILL NO. 02-08**, AN ORDINANCE AMENDING BERKELEY COUNTY PROCUREMENT ORDINANCE NUMBER 97-4-18, ADOPTED APRIL 29, 1997, IN REGARD TO NONEXPENDABLE SUPPLIES AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Davis to approve **Bills Numbered 02-05, 02-06, 02-07, and 02-08** for Second Reading as stated. The motion passed by unanimous voice vote of Council.

Chairman Rozier read the Bills for First Reading as follows and explained that on Bills for First Reading there is no discussion or vote.

**FIRST READINGS:**

“**BILL NO. 02-09**, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, - ‘BERKELEY COUNTY ZONING ORDINANCE’ AND TO REPEAL IN ITS ENTIRETY ORDINANCE NO. 99-4-19.”

“**BILL NO. 02-10**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #197-00-02-029.”  
(Jeffrey and Victoria Hall)

“**BILL NO. 02-11**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #087-00-05-075.”  
(David Alexander Gibbs)

“**BILL NO. 02-12**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN

REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #248-00-01-076.”  
(Rodney Lockwood)

**RESOLUTIONS:**

“RESOLUTION, PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2001-2002 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the **Transfer Resolution** as stated. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-10 is attached to these Minutes.)

“RESOLUTION, AUTHORIZING GRANT APPLICATION ON BEHALF OF SANTEE CIRCLE PARK.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the **Resolution on behalf of Santee Circle Park** as stated. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-11 is attached to these Minutes.)

“RESOLUTION, APPROVING CERTAIN MODIFICATIONS TO CERTAIN FEE IN LIEU OF TAX ARRANGEMENTS BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND BAYER.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the **Resolution for fee in lieu** of tax arrangements between Berkeley County and **Bayer Corporation**.

Councilmember Pinckney asked would the County benefit any additional funds with the change of ownership and Bayer selling off portions of what they own to other companies?

Supervisor Rozier stated they would not receive any additional funds; but would continue to receive the fee in lieu of taxes from the new owner. It’s a transfer of legal title and legal rights to the fee in lieu arrangements.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-12 is attached to these Minutes.)

“RESOLUTION CONSENTING TO THE GRANTING OF A LEASEHOLD MORTGAGE AND A COLLATERAL ASSIGNMENT OF THE PURCHASE OPTION PERTAINING TO THE REAL PROPERTY LEASE PURCHASE AGREEMENT DATED AS OF AUGUST 1, 2000, ORIGINALLY BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND LIBERTY PROPERTY LIMITED PARTNERSHIP.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the **Resolution** between Berkeley County and **Liberty Property Limited Partnership**.

Chairman Rozier stated Liberty Properties built a speculative building in Berkeley County for us to show to the industries and businesses that come in. We were able to lease the building to another organization, McNaughton Apparel, an expansion of the existing business in Hanahan. When this is done, the building becomes a part of the arrangement with the new corporation, which is the reason for the modifications.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 02-09 is attached to these Minutes.)

“RESOLUTION IDENTIFYING THE PROJECT IN BERKELEY COUNTY, SOUTH CAROLINA KNOWN AS PROJECT ‘D’ PURSUANT TO SECTION 4-12-30 (I) AND 4-29-67(I) OF THE ACT.”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adopt the **Resolution know as Project ‘D’**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-13 is attached to these Minutes.)

“RESOLUTION IDENTIFYING A PROPOSED INVESTMENT BY A COMPANY, WHICH INVESTMENT SHALL BE REFERRED TO AS PROJECT CYPRESS AND OTHER MATTERS RELATED THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt the **Resolution known as Project Cypress**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-14 is attached to these Minutes.)

#### **REPORTS FROM STANDING COMMITTEES:**

**COMMITTEE ON FINANCE**, Councilmember Steve M. Vaughn, Chairman.

Councilmember Vaughn stated the Committee met on March 18 and earlier this evening and all matters before them have been taken care of on tonight’s agenda.

**COMMITTEE ON LAND USE**, Councilmember Charles E. Davis, Chairman.

Councilmember Davis stated the Committee met on March 18 and all matters before them have been taken care of on tonight’s agenda.

**COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Councilmember William E. Crosby, Chairman.

Councilmember Crosby stated the Committee met on March 18 and earlier this evening. Several matters before them have been taken care of on tonight’s agenda.

Councilmember Crosby moved to accept the Committee's recommendation to award the **Independent Auditing Services contract to Bryan, Truesdale, Adkins and Williams, PA**, in the amount of \$70,725.00 with the option for two additional years. (No Second Required)

The motion passed by unanimous voice vote of Council.

Councilmember Crosby also moved to accept the Committee's recommendation to award the contract for **Professional Engineering & Related Services – NPDES Phase II Storm Water requirements to Jordan, Jones & Goulding**. This will be an annual contract with the option for four additional terms. (No Second Required)

The motion passed by majority vote of Council.

Councilmember Crosby moved to accept the Committee's recommendation for a Sole Source Purchase of **Photo Equipment, a Master Lab+740 from Gretag Imaging, Inc.**, and will cost \$37,948.00. (No Second Required)

The motion passed by unanimous voice vote of Council.

Councilmember Crosby also moved to accept the Committee's recommendation to **reject all Bids opened on February 21, 2002 for 12" Water Main Materials**. (No Second Required)

The motion to reject all Bids on February 21, 2002, passed by unanimous voice vote of Council.

Councilmember Crosby moved to accept the Committee's recommendation to award the contract for the **12" Water Main Material to Hughes Supply, Inc.**, in the amount of \$101,735.24, as a result of Bids that were opened on March 21, 2002. (No Second Required)

The motion passed by unanimous voice vote of Council.

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY**, Councilmember Milton Farley, Chairman.

Councilmember Farley stated the Committee met on March 18 and all matters before them have been taken care of on tonight's agenda.

**COMMITTEE ON WATER AND SANITATION**, Councilmember Henry L. Richardson, Chairman.

Councilmember Richardson stated the Committee met on March 18 and the BCW&SA provided the Committee with a report on delinquent Solid Waste and Recycling Disposal Fees. The report was taken for information only.

**COMMITTEE ON PLANNING AND DEVELOPMENT**, Councilmember Judith K. Spooner.

Councilmember Spooner stated the Committee met on March 18 and they worked on the modifications to the Zoning Ordinance that was passed in August 2001. She stated the Ordinance had First Reading this evening and would go back to the Committee for more work.

**COMMITTEE ON COMMUNITY SERVICES**, Councilmember Judy C. Mims, Chairman.

Councilmember Mims stated the Committee met earlier this evening and all matters before them have been taken care of on tonight's agenda.

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Councilmember Caldwell Pinckney, Jr., Chairman.

#### **NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

Councilmember Vaughn stated he would like to nominate Ms. Pamela Banks to the Goose Creek Parks and Playground Commission. He stated the Legislation gave the appointing power of this Commission to County Council and he was not sure whether they had formally accepted it. However, they are in desperate need of this extra member. He had spoken with the Mayor and Gary Stuber and this seemed to be an appropriate person for this committee.

Councilmember Spooner nominated Grady Woodard to the Goose Creek Parks and Playground Commission. She stated he lives in the St. James Subdivision and she understands that part of the district had never been represented on this Board.

Councilmember Crosby stated there are a lot of names being mentioned about appointees to that Commission. He stated they have not formally accepted the authority to make appointments to the Commission and the Attorney is currently looking into it. He knows the importance of the nominees but he doesn't think it would be right to make the appointments without officially meeting with everyone.

Councilmember Spooner stated Mr. Vaughn's appointee is to replace a city member; her appointee is someone outside the city.

Supervisor Rozier stated there is a requirement of a number from the city and a number from outside the city.

Councilmember Vaughn stated the Legislature has given these Commissions to them and have taken them back. He is willing to vote on it and let the Legislature step in and say they don't want to approve it.



Mr. Stokes advised Council that if any action is taken tonight that would be deemed as an acceptance of the appointment authority. So, whether it's a positive or negative, it would still be an action and acceptance of that authority.

Councilmember Vaughn asked could Council decline to take the Commissions if the Legislature gives it to them?

Mr. Stokes stated there are two ways to do that; one is to never take action on any of the Commissions or Boards that the Legislature has attempted to give them control over. The other would be to formally reject them by Resolution and send that back to the Delegation.

Councilmember Spooner stated she feels that it's best that the County not accept this authority because they have not had any say-so in the direction it's gone so far.

Councilmember Vaughn stated he was willing to withdraw his nomination and they not take any of the Commissions. A Legislature told him a while back that they control the purse strings. As long as Council realizes that and wants to fight, he is willing to fight to the end "but just don't bail out."

Chairman Rozier stated he was not sure that they control the purse strings on individual Counties. They could certainly pass a law to say that they would reduce it to Berkeley County alone, then we might have a problem.

Councilmember Crosby referred to a list of the Commissions given to Council and stated the Legislature kept all of the good Commissions.

Councilmember Vaughn stated they only gave Council Goose Creek Parks and Playground because it was political. It's very controversial about who is appointed. He stated that he was willing to reject all of the Commissions if that's what Council wants to do. However, he is concerned about the kids he supports, Crowfield Little League, and the other ball fields are in desperate need of representation because they are jammed with six people; they need a tie-breaking vote.

Councilmember Crosby stated that 70 percent of the public services is in his district, so, he would be more susceptible to carrying a lot of the brunt from his constituents.

Councilmember Vaughn stated Goose Creek has a population of 29,000. Not all of the people outside of Goose Creek is in Councilmember Crosby's district.

Councilmember Crosby stated 50 percent of his district is inside the City of Goose Creek and 50 percent is outside. He would catch the flack from the people outside; the majority of Councilmember Vaughn's district is inside the city.

Councilmember Richardson asked was the issue that they didn't want to put someone on the Commission, or is it that they don't want to deal with the Legislature?

Chairman Rozier stated that more than once Council had been given the authority to appoint members of Boards and Commissions. For some reason, the Legislature took them back.

Councilmember Crosby stated the Legislature gives them appointing powers but not budget control.

Councilmember Pinckney stated he agrees with Councilmember Vaughn that the only folks that are not benefiting from this are the children and they need to take that into consideration. Everything they do basically is a political football. They need to be as objective as they possibly can and realize who stands to lose, and it's our young people.

Councilmember Crosby stated he had spoken with the Attorney concerning Council's take on accepting these Commissions and he is still studying the issue. He stated Senator Mescher told him that Council had to accept it because it was made law and signed by the Governor.

Councilmember Richardson asked Mr. Crosby was that the only Commission he was concerned about? Councilmember Crosby stated he was concerned about the whole list but this is one of them.

Chairman Rozier stated they had told the Delegation that the County would not accept the Recreation Commission.

Councilmember Mims suggested they send a letter to the Delegation and ask them to appoint the nominees Council is recommending.

Although a second was not needed on Nominations, Councilmember Davis seconded the motion previously made by Councilmember Vaughn.

Chairman Rozier asked whose districts were affected by the recreation area? The response was that Districts 1, 2, 3, and 5 were affected.

Upon call for the vote on the Nomination by Councilmember Vaughn to appoint Pamela Banks to the Goose Creek Parks and Playground Commission, the vote resulted in a Roll Call as follows:

|                          |       |
|--------------------------|-------|
| Councilmember Farley     | "Nay" |
| Councilmember Spooner    | "Nay" |
| Councilmember Crosby     | "Nay" |
| Councilmember Davis      | "Aye" |
| Councilmember Vaughn     | "Aye" |
| Councilmember Mims       | "Aye" |
| Councilmember Pinckney   | "Aye" |
| Councilmember Richardson | "Aye" |

The Nomination by Councilmember Vaughn passed by majority vote of Council, which was (5-3).

\*Note: The Nomination of Grady Woodard by Councilmember Spooner was not voted on.

Councilmember Spooner asked could members of the Commission be replaced? Mr. Stokes stated they could not be replaced until their terms expired although it's a pass-thru from the Legislature.

Mr. Stokes stated Senator Grooms is in the process of sending a list with the Commissions' appointments and the expiration dates of the terms.

There was no **CORRESPONDENCE**.

## **UNFINISHED BUSINESS**

Chairman Rozier stated that at the last Committee Meeting Councilmember Mims suggested that he had not responded to one of her letters. He stated he delivered her letter and his response was dated October 22 and each Council Member has a copy.

## **NEW BUSINESS**

Chairman Rozier stated Mr. Stokes, County Attorney, received a call from SLED indicating that Councilmember Davis had asked SLED to investigate our audit.

Mr. Stokes stated the County is the subject of an inquiry.

Councilmember Spooner asked what was the inquiry? She stated they have had the outside auditor make presentations to talk about the audit. Are there any specifics?

Mr. Stokes stated he received a phone call from Agent Pete Logan of the State Law Enforcement Division who indicated that Councilmember Davis had suggested there were some discrepancies with regard to the expenditure of funds from the year ending 2000 budget and that the County was subject of an inquiry. No specific allegations had been made but he requested a copy of the Audit for the year ending 2000, and the management letter. Those items have been forwarded to the agent.

Councilmember Spooner stated she remembers distinctly asking Mr. Davis if he had any questions when the Auditor was present.

Councilmember Davis stated this in reference to Budget year 2000.

Chairman Rozier stated these are exactly the same Auditors.

Councilmember Davis stated that when he reread the Management letter he saw that it had a lengthy disclaimer, which bothered him.

Mr. Cal Cooper, Finance Director, came forward and stated that an Audit is an independent review by a Certified Public Accounting Firm of the County's financial record. Chairman Rozier asked if what the County had considered an independent full audit? Mr. Cooper replied, yes.

Chairman Rozier asked Mr. Davis what other questions he had?

Councilmember Davis stated he would let SLED answer his questions.

Chairman Rozier stated, "we welcome SLED to investigate whatever they would like and the whole building would be made open to them as with anybody who would like to come to look at the audit." He stated the County was proud of the audit and had been given a Certificate of Financial Excellence (CAFR) in accounting each year for the past 10 years.

Chairman Rozier stated the next Regular Council Meeting would be held on Monday, April 22, 2002, 7:00 p.m. at the Berkeley County Office Building, Moncks Corner, SC.

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to adjourn. The motion passed by voice vote of Council.

The Meeting adjourned at 7:48 p.m. for execution of documents.

## **PUBLIC DISCUSSION**

Chairman Rozier reconvened the meeting for Public Discussion at 8:03 p.m.

Mr. Glenn Herron of 214 Horseshoe Drive addressed Council concerning a Zoning Reclassification to allow his pet pig to remain. He indicated it's a mixed breed pig and serves as a protector for his wife who is disabled and home alone most of the time.

Councilmember Spooner stated her Committee is in the process of working on changes to the Zoning Ordinance and she would certainly put this item on next month's agenda so they may take a look at it.

There being no further comments, the Public Discussion ended at 8:08 p.m.

S/Barbara B. Austin  
Clerk of County Council

Approved: April 22, 2002

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday March 25, 2002, is scheduled to begin at 7:00 P.M., in the HANAHAN MUNICIPAL COMPLEX COURT ROOM AT 1255 YEAMANS HALL ROAD, HANAHAN, S. C., at 7:00 P.M.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**APPROVAL OF MINUTES:**

|  |                   |
|--|-------------------|
| Special Council Meeting                      | February 11, 2002 |
| Public Hearings Bills Numbered: 01-70, 01-71 | February 25, 2002 |
| Regular Council Meeting                      | February 25, 2002 |

**PUBLIC DISCUSSION** - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**PROCLAMATION:**

Proclamation designating 2002 as the "Year of the Rose".

**THIRD READING:**

1. **Bill No. 02-02**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ralph and Linda Haynes, 113 Lisenby Drive, Moncks Corner, TMS #196-13-00-039 (1 acre portion, 1.7 acres total), from GC, General Commercial District, to R-2, Manufactured Residential District. Council District No. 4.  
[Recommended by Committee on Land Use]

2. **Bill No. 02-03**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Thelma H. Phillips, Treeline Drive, Ladson, TMS #242-02-00-033 (1.85 acres), and Mary O. & Donald N. Williams, Treeline Drive, Ladson TMS #242-02-00-034 (1.80 acres), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 5.

[Recommended by Committee on Land Use]

3. **Bill No. 02-04**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Kenneth McCoy, 718 and 723 Old Back River Road, Goose Creek, TMS #244-11-02-001, 002, and 032 (8 acres total), from R-2, Manufactured Residential District, to R-2R(F), Mobile Home Farm Residential District. Council District No. 3.  
[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

### **SECOND READING:**

1. **Bill No. 02-05**, an Ordinance to amend Ordinance No. 01-6-19, adopted June 25, 2001, to provide for supplemental appropriations and allocations thereof within the 2001-2002 budget for Berkeley County; and other matters pertaining thereto.  
[Recommended by Committee on Finance]
2. **Bill No. 02-06**, an Ordinance authorizing Berkeley County, South Carolina to amend and clarify certain sections of the FILOT documents (as such term is defined herein) with Corning Incorporated  
[Recommended by Committee on Finance]
3. **Bill No. 02-07**, an Ordinance authorizing the acceptance of the transfer of authority for conducting municipal elections in the City of Hanahan to the Berkeley County voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Berkeley County Voter Registration and Election Commission for the conduct of Municipal Elections in the City of Hanahan; to provide for reimbursement of all costs and expenses incurred by the Berkeley County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto.  
[Recommended by Committee on Community Services]
4. **Bill No. 02-08**, an Ordinance amending Berkeley County Procurement Ordinance Number 97-4-18, adopted April 29, 1997, in regard to nonexpendable supplies and other matters relating thereto.  
[Recommended by Committee on Public Works and Purchasing]

### **FIRST READING:**

1. **Bill No. 02-09**, An Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, - "Berkeley County Zoning Ordinance" and to repeal in its entirety Ordinance No. 99-4-19.  
[Recommended by Committee on Planning and Development]

2. **Bill No. 02-10**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Jeffrey and Victoria Hall, 323 Garber Lane, Moncks Corner, TMS #197-00-02-029 (6.11 acres), from R-2, Manufactured Residential District, to R-2R(f), Mobile Home Farm Residential District. Council District No. 4.  
[Recommended by Committee on Land Use]
3. **Bill No. 02-11**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David Alexander Gibbs, 17-A North, Bonneau, TMS #087-00-05-075, (1 acre) from GC, General Commercial District, to F-1 Flexible District. Council District No. 8.  
[Recommended by Committee on Land Use]
4. **Bill No. 02-12**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Rodney Lockwood, 109 Zulu Drive, Huger, TMS #248-00-01-076 (1 lot), from R-2, Manufactured Residential District, to R-4, Multifamily District Small-Scale. Council District No. 8.  
[Recommended by Committee on Land Use]

#### **RESOLUTIONS:**

1. **RESOLUTION** providing for the Transfer of Funds in the 2001-2002 Berkeley County Budget for County Purposes other than as specified in said Budget.  
[Recommended by Committee on Finance]
2. **RESOLUTION** authorizing grant application on behalf of Santee Circle Park.  
[Recommended by Committee on Finance]
3. **RESOLUTION** approving certain modifications to certain fee in lieu of tax arrangements between Berkeley County, South Carolina, and Bayer Corporation.  
[Recommended by Committee on Finance]
4. **RESOLUTION** consenting to the granting of a leasehold mortgage and a collateral assignment of the purchase option pertaining to the real property lease purchase agreement dated as of August 1, 2000, originally between Berkeley County, South Carolina and Liberty Property Limited Partnership.  
[Recommended by Committee on Finance]
5. **RESOLUTION** identifying the project in Berkeley County, South Carolina known as PROJECT "D" pursuant to section 4-12-30(l) and 4-29-67(l) of the act.  
[Recommended by Committee on Finance]

**REPORTS FROM STANDING COMMITTEES:**

1. Committee on Finance.  
Councilmember Steve M. Vaughn, Chairman.
2. Committee on Land Use.  
Councilmember Charles E. Davis, Chairman.
3. Committee on Public Works and Purchasing.  
Councilmember William E. Crosby, Chairman.
  - a. Recommendations:
    1. Independent Auditing Services.
    2. NPDES-Phase II Storm Water Requirements-RFQ 43104-01-01/02.
    3. Sole Source Purchase – Master Lab+740.
    4. Reject all bids for 12” Water Main Materials–opened on Feb. 21, 2002.
    5. Re-bid of 12” Water Main Materials – opened on March 21, 2002
4. Committee on Justice and Public Safety.  
Councilmember Milton Farley, Chairman.
5. Committee on Water and Sanitation.  
Councilmember Henry L. Richardson, Jr., Chairman.
6. Committee on Planning and Development.  
Councilmember Judith K. Spooner, Chairman.
7. Committee on Community Services.  
Councilmember Judy C. Mims, Chairman.
8. Committee on Human Services.  
Councilmember Caldwell Pinckney, Jr., Chairman.

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

1. BERKELEY COUNTY LIBRARY BOARD
2. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
3. HOUSING BOARD OF ADJUSTMENTS AND APPEALS
4. SANGAREE SPECIAL TAX ADVISORY COMMISSION
5. SPECIAL FIRE TAX DISTRICT ADVISORY BOARD
6. SPIERS LANDING COMMISSION
7. WATER AND SANITATION APPEALS BOARD

**CORRESPONDENCE**



**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ANNOUNCEMENTS**

The APRIL 2002, Regular Meeting of Berkeley County Council will be held on MONDAY APRIL 22, 2002, in the ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

March 20, 2002  
S/Barbara B. Austin  
Clerk to County Council